

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

ANTOWN DEWAYNE WILLIAMS,

Plaintiff,

v.

WARDEN CHERYL PRICE,

Defendant.

Case No. 7:07-CV-01680-RDP-TMP

ORDER

The magistrate judge filed a report and recommendation on January 29, 2008, recommending that Plaintiff's claims for violation of equal protection rights be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that Plaintiff's Eighth Amendment conditions of confinement claim with respect to extremely hot temperatures in his dormitory be allowed to proceed and that Defendant be ordered to submit a special report addressing that claim. Plaintiff filed objections to the report and recommendation on February 13, 2008.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and the magistrate judge's recommendation is **ACCEPTED**. It is therefore **ORDERED, ADJUDGED, and DECREED** that all of Plaintiff's claims in this action, except the Eighth Amendment conditions of confinement claim regarding excessive temperatures in the dormitory, are **DISMISSED WITHOUT PREJUDICE**,

pursuant to 28 U.S.C. § 1915A(b)(1). It is further **ORDERED** that the remaining Eighth Amendment claim is **REFERRED** to the magistrate judge for further proceedings.

The Clerk is **DIRECTED** to serve a copy of this order upon Plaintiff.

DONE and **ORDERED** this 10th day of March, 2008.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE